

**U.S. Department of the Interior
Bureau of Land Management**

**FINDING OF NO SIGNIFICANT IMPACT
DOI-BLM-NV-S010-2009-0293-EA
December 15, 2009**

**P.L. 107-350, Enacted December 12, 2002
For
The Conveyance of Property
To
Clark County, Nevada for a Shooting park**

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DOI-BLM-NV-S010-2009-293-EA**

I have reviewed the final Environmental Assessment (EA), numbered DOI-BLM-NV-S010-2009-293-EA. I have determined that the proposed action listed above and identified in the EA conforms to the Las Vegas Resource Management Plan and is consistent with the plans and policies of neighboring local, county, state, tribal and Federal agencies and governments.

In addition, after consideration of the environmental effects as described in the EA and incorporated herein, I have determined the Proposed Action will not significantly affect the quality of the human environment and that preparation of an additional EIS is not required. This determination is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

The BLM released Environmental Assessment # DOI-BLM-NV-S010-2009-0293-EA (EA) on August 3, 2009. During the comment period, 1,046 comment letters were received on the EA. Most of these expressed opinions in favor of the shooting park conveyance. These comments do not require a response from the BLM. A total of 56 comment letters provided new information or raised questions or concerns regarding the EA which went beyond simple expressions of opinion.

Based on an analysis of the substantive public comments and internal BLM review, it has been determined that a new EA is needed in order to consider a wider range of alternatives. Therefore, the BLM has prepared the present EA and is providing the public with 45 days to review the analysis.

Context:

The 107th Congress of the United States of America through Public Law 107-350 enacted December 17, 2002 (the "Act"), mandated that certain public lands located in Clark County, Nevada, be conveyed to Clark County, Nevada, for use as a centralized shooting facility. In this Act, Congress found that –

- 1.) The Las Vegas area has experienced such rapid growth in the last few years that traditional locations for target shooting are now too close to populated areas for safety; and
- 2.) There is a need to designate a centralized location in the Las Vegas Valley where target shooters can practice safely; and
- 3.) A central facility is also needed for persons training in the use of firearms, such as local law enforcement and security personnel.

The purposes of the Act are –

- 1.) To provide a suitable location for the establishment of a centralized shooting facility in the Las Vegas Valley; and
- 2.) To provide the public with –
 - A. Opportunities for education and recreation; and
 - B. A location for competitive events and marksmanship training.

The public lands were to be conveyed by the Secretary of the Interior as soon as practicable after the date of enactment of the Act, subject to valid existing rights, for no consideration, all right, title and interest of the United States in and to the identified public lands, containing approximately 2,880 acres. The lands conveyed under this Act shall be used by Clark County for the purposes described in the Act and not disposed of by the County.

The Act includes a reversionary clause stating that if Clark County ceases to use any of the conveyed lands for the purposes described in the Act, title shall revert to the United States, at the option of the United States, and that Clark County, Nevada shall be responsible for any reclamation necessary to revert the parcel to the United States.

The Act released a portion of the described public lands from the Quail Springs Wilderness Study Area, NV-050-411, to accommodate the conveyance for the purpose of a shooting park and also stated that administrative costs and survey costs necessary to the conveyance of the described public lands are to be paid for by Clark County, Nevada. Prior to the enactment of P.L. 107-350, Congress released the same portion of the Quail Springs Wilderness Study Area, under Public Law 107-282, Section 207 (a)(2)(B)(vii) passed November 6, 2002.

While the Act grants no discretion to the Secretary whether to transfer the specified lands to Clark County for a centralized shooting facility, the EA does look at other alternatives for the conveyance. P.L. 107-350 requires the Secretary to convey all right title and interest in the 2,880 acres for no consideration to Clark County, Nevada, for use as a centralized shooting park. This conveyance represents the Proposed Action. The alternatives to the Proposed Action are as follows:

- a. Alternative A would convey 2,880 acres to Clark County for a Centralized Shooting Park with additional patent reservations, compared to the Proposed Action, to protect the interests of the United States Government.
- b. The No Action Alternative would not transfer the 2,880 acres.
- c. An Alternative Considered but Eliminated from Detailed Study would convey land for a shooting park at an alternate 2,880-acre site.

The results of the analysis in the EA did not indicate a need to require additional patent terms and conditions for the conveyance, such as those included within Alternative A. In addition to the patent terms and conditions required by Congress and the BLM under the Proposed Action, Clark County identified “set-backs and buffer” areas to protect federal interests along the boundaries of their proposed development through discussions with the U.S. Fish and Wildlife Service (FWS). The County also coordinated with FWS to close off an unauthorized road and access point to the Desert National Wildlife Refuge (DNWR). This road historically ran along the alignment of Decatur Blvd and provided access to the refuge. The County’s development of the site also curtails off highway vehicle (OHV) use, and trespass and dumping that was occurring on the parcel and in the surrounding area.

The BLM was unable to identify a suitable alternate site as described in the Alternative Considered but Eliminated from Detailed Study.

The BLM has determined that the conveyance of land consistent with P.L. 107-350 along with the County’s abovementioned efforts, including the provisions contained in the Clark County Plan of Development, would adequately benefit and protect the interests of the federal government. Therefore, no additional terms and conditions are required to be placed on the patent.

Intensity:*1) Impacts that may be both beneficial and adverse.*

The EA has considered both beneficial and adverse impacts of the land conveyance. The conveyance results in compliance with P.L. 107-350 enacted by Congress and the subsequent development of a centralized shooting facility to meet the need of the public, described in the law, for a centrally located shooting facility. The site will be used for educational, recreational and competitive events and marksmanship training in the use of firearms.

Members of the public have expressed concern with the development of these lands regarding the suitability of the site and noise resulting in the development and use of the site as a shooting facility. Clark County, Nevada has conducted transportation and noise studies through its own zoning and permit processes. The responsibility for permitting and zoning lie with the governing entity, not BLM. Nor does BLM have jurisdictional responsibility to review or approve such documents.

The Clark County centralized shooting facility has been designed to provide buffers on all four boundaries. All weapon ranges are pointed north, away from populations, and all rifle and pistol ranges are designed to capture all of the discharged projectiles. A one mile buffer zone from shooting has been provided on the southern edge of the property which is located nearest to private residential areas. There is a large buffer zone along the west boundary and a quarter mile buffer zone along the northern boundary. The conceptual master plan displays all the projectile fall zones. Projectile fall zones are laid out at 300 yards and are all located and contained on the shooting facility property. The average projectile distance for target shot shell loads is approximately 175 yards. All projectiles and those containing lead will be contained in internal drains and through a double settling basin to prevent materials from escaping the site. The rifle and pistol ranges are recessed into the property and protected by berms and backstops meeting the criteria established by shooting range design safety standards. In addition, the northern drain is located south of the northern property line by 56 feet to protect and mitigate any potential impacts to Desert National Wildlife Refuge property.

The Bureau of Land Management conditioned the patent with terms and conditions that protect interests of the United States, such as the provision for a reversionary interest that states should the property be used for purposes other than a shooting facility, the land, at the discretion of the Secretary of the Interior, may revert to the United States. The patent also prevents Clark County from disposing of the property, directs them to be responsible for any reclamation necessary to revert the parcel to the United States, and is issued subject to valid and existing rights located on the parcel.

2) The degree to which the proposed action affects public health or safety.

The proposed conveyance itself does not directly affect public health and safety. Issues might occur with development of the shooting facility. Clark County through its zoning and permitting processes will address any and all issues associated with development of this parcel.

Federal management of these lands is difficult. BLM is not well suited to manage lands in and around urbanizing areas. Many public land areas within the SNPLMA disposal boundary are used by the public as dump sites, which can be hazardous to recreation use or to children playing in these areas. The BLM has estimated that 70 percent of the corrective actions issued by Clark County for PM₁₀ (fine dust, an air pollutant particularly troublesome in desert areas) are directly related to dumping of all kinds, which includes trash, dirt piles and other materials. Approximately 10-15 percent of the total PM₁₀ emissions in the area are due to illegal off-road travel. By conveying the public lands into private ownership, and as

these lands are developed, dumping and unauthorized off-road use will cease and the PM₁₀ emissions will be reduced.

No exceedances of air quality standards are projected based on the analysis presented in the EA, and as tiered to the Disposal EIS. This is supported by the air quality modeling performed by Argonne National Laboratories for the Disposal EIS. Argonne's model shows conformance with air quality standards, based on projected development of land through the year 2018. The model predicts PM₁₀ emissions of 132,900 tons/year by 2018, which falls well under the PM₁₀ State Implementation Plan requirement of 138,683 tons/year.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

To comply with Section 106, the BLM Archaeologist conducted an existing data review that showed the area of potential effect (APE), a 2880 acre parcel, had never been evaluated for cultural resources. To prepare for a potential land transfer, Clark County contracted a Class III cultural resource inventory of the APE. The inventory was completed and results are detailed in BLM Cultural Resource Report 5-2452. One cultural resource property was documented. The site (26Ck6714), an historic road, was determined not eligible for nomination to the NRHP under any of the Secretary of the Interior's criteria of eligibility. The Nevada State Historic Preservation Office (SHPO) concurred with the BLM's determination in a letter dated June 3, 2003. The SHPO also concurred with BLM's determination that the undertaking as proposed would have no effect to historic properties.

Fossils resources must be considered and evaluated as "scientific values" under the Federal Land Policy and Management Act (FLPMA) of 1976. The Las Vegas Formation in the Upper Las Vegas Valley Wash contains the remains of extinct Pleistocene animals such as ground sloths, mammals, and camels. The San Bernardino County Museum (SBCM) conducted a pedestrian survey of those portions of the Las Vegas Formation within the parcel proposed for transfer. A total of 33 localities were recorded. Fossil remains are apparent on the surface and there is a high probability that fossils lie beneath. Clark County plans to avoid impacts to fossil resources by restricting construction activities to those areas lying outside the wash.

No other unique characteristics were identified on this parcel.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Congress, with passage of this law, and other local governments, as shown through their resolutions in Appendix 2 of the EA are highly supportive of this land conveyance.

In contrast to that support, Case No. 2:08-cv-1131-LDG(RJJ), was filed in United States District Court, District of Nevada, by the Residents for the Relocation of the Clark County Shooting Complex, LLC. The residents were seeking a preliminary injunction seeking to halt construction of the shooting complex, pending prosecution of the lawsuit. BLM was included in this lawsuit for not completing a NEPA analysis for the conveyance.

The hearing was conducted Wednesday, April 8, 2009, with Judge Lloyd D. George, United States District Judge, presiding. Having considered the papers and pleadings, the evidence received from the parties, and the arguments, the court granted in part and denied in part Clark County's motion to dismiss and denied the residents' motion for a preliminary injunction. The BLM admitted that they should have

completed a NEPA document and committed to the court to have one prepared by August 3, 2009. A copy of Judge George's Order is attached as reference.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no highly uncertain or unique or unknown risks from the Proposed Action. The Disposal EIS and this EA did not identify any uncertain or unique unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action does not establish, but rather is consistent with, precedent established pursuant to Congressional intent as expressed in the legislation and other federal laws, regulations and policies covering actions like this.

The State of Nevada is over 80 percent public land and privatization of that land is supported by many levels of government. BLM has disposed of thousands of acres in the Las Vegas Field Office Area, both in the Las Vegas Valley and outside the Las Vegas Valley in accordance with the Las Vegas Resource Management Plan and applicable legislation. In the Las Vegas Valley, BLM's disposal actions are analyzed by its 2004 Disposal EIS.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The proposed action is essentially the transfer of title from the Federal government to a private owner. There are no direct impacts resulting from the transfer of title. However, the indirect impacts are that the lands will be eligible for private development. Development scenarios for the land BLM sells in the Las Vegas Valley are analyzed in the Disposal EIS. The EIS also performs a full cumulative analysis of development in the Valley through 2018. The EA for this action tiers to the Disposal EIS.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

This conveyance does not have any adverse affect on districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or cause loss or destruction of significant resources. This is also addressed in paragraph #3 above.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.

Consultation with the U.S. Fish and Wildlife Service for the Las Vegas Valley Disposal Boundary EIS (1-5-96-F-023R.3) indicates that activities occurring within the conveyance parcel may affect the desert tortoise or its habitat. The disposal of BLM lands and the transfer of title would not have a direct impact on threatened, endangered or special status species. Subsequent development and change in land use would result in indirect impacts through loss of thermal cover, vegetation and forage, mortality and harassment of individual animals, decreased local genetic flow, and decrease in habitat value of adjacent remaining "wildland" areas due to increased human activity in the area. Direct incidental take of desert tortoises and their habitat would be covered under the Clark County Multiple Species Habitat Conservation Plan (CCMSHCP) Section 10(a)(1)(a) permit. Under the MSHCP, desert tortoise clearance

surveys are voluntary on private land and rarely conducted. The activities following the disposal of the proposed parcel are anticipated to result in the eventual loss of 2,880 acres of desert tortoise habitat and an estimated 45 desert tortoises. Due to increased human activities in the area an additional 5 square miles of habitat surrounding the parcel could be degraded in habitat value and may eventually no longer support desert tortoise populations.

No rare plants were present, and therefore, no impacts are expected.

10) Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.

The proposed action will not violate or threaten to violate any Federal, state, or local law or requirement imposed for protection of the environment. The proposed action is consistent with SNPLMA and the Federal Land Policy and Management Act for the conveyance of lands. The proposed action is specifically exempted from the General Conformity Regulations, Section 176 (C) of the Clean Air Act, according to 40 CFR 93-153 (C)(2)(xiv).

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Date